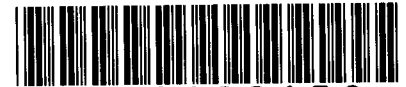


OPEN MEETING AGENDA ITEM



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**ORIGINAL RECEIVED**

To: The Arizona Corporation Commission

Arizona Corporation Commission

**DOCKETED**

Date: January 21, 2011

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JAN 21 2011

Arizona Corporation Commission  
1200 West Washington  
Phoenix, AZ 85007

AZ CORP COMMISSION  
DOCKET CONTROL



**RE: ARIZONA PUBLIC SERVICE (APS) COMPANY'S 2011 RENEWABLE ENERGY STANDARD IMPLEMENTATION PLANS. (DOCKET NO. E-01345A-10-0262 & E-03145A-10-0166)**

1345

Dear Commissioners:

There has been a great deal of discussion about utility ownership/utility competition in the Schools and Government Program. One advantage that the utility has is that in the case of a customer default, the utility can simply make use of the power that is being generated by the system and feed it directly into the grid.

Leveling the playing field would benefit the Schools and Government Program as well as the SSA market. The following clarifications would address the above and major investor concerns:

1. In the case that the 'host' (off taker) defaults during the term of a contract. Could the commissioners instruct utilities to allow 'third party system' owners to assume the defaulted host account and remain connected to the grid, if requested?
2. In the case of such a default where a REC incentive contract exists. Could the commissioners stipulate that that contract transfers to the assuming account holder intact along with all the rights and responsibilities there in?
3. In the case of such a default and assumption of the utility account; could the commissioners require utility to pay prevailing wholesale rates to the system owners for any electricity metered onto the grid.

Such clarity would benefit utilities, rate payers, investors, renewable energy developers & the state of Arizona. Lending certainty to an area of concern that will directly impact Arizona's ability to attract investment and create Jobs.

Respectfully

**Toby Rolt (CEO Brilliant Green Energy, Inc.)**



Leading the renewable energy revolution



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